

COMPLIANCE BOARD OPINION NO. 00-13

November 21, 2000

Mr. Eric Dougherty

The Open Meetings Compliance Board has considered your complaint that the County Commissioners of Carroll County violated the Open Meetings Act by failing to give proper public notice of a meeting on July 6, 2000. For the reasons stated below, the Compliance Board finds that the County Commissioners did not violate the Act.

I

Complaint and Response

In your complaint, you pointed out that the County Commissioners met on July 6, 2000, and, among other items, decided to move forward with construction of a water treatment facility at Piney Run Park. Your complaint further noted that public notice of this meeting was published in the *Carroll County Times* on July 6, the meeting date itself. Your complaint asked the Compliance Board to determine whether the County Commissioners complied with the Open Meetings Act “in advertising and voting on construction of the Piney Run Water Treatment Plant.”

In a timely response on behalf of the County Commissioners, Assistant County Attorney Kimberly A. Millender provided the following information:

In accordance with standard procedure, the Commissioners’ agenda for the week of July 3, 2000 was finalized by County staff on June 30, 2000 and submitted to the County Communications Office for dissemination. The Communications Office forwarded by mail the agenda to the local news media and those parties who have expressed an interest in being kept on the agenda mailing list on Friday, June 30, 2000. The Communications Office also posted the agenda on the County’s website on Friday, June 30, 2000. In addition, the agenda was posted on a bulletin board outside the Communications Office and on a bulletin board in the public waiting area of the Commissioner’s Office on June 30, 2000.

II

Analysis

Your complaint calls on us to consider whether the timing, method, and the content of the notice for the July 6 meeting complied with the Open Meetings Act. We conclude that the notice was legally sufficient.

With respect to timing, the Act requires that a public body give “reasonable advance notice” of a meeting. §10-506(a) of the State Government Article, Maryland Code. Advance notice is “reasonable” if it is given soon after a public body itself has established its meeting calendar. *See* Office of the Attorney General, *Open Meetings Act Manual* 18 (4th ed. 2000). We gather from Ms. Millender’s letter that the meeting notice was distributed on the same day that the staff had finalized the next week’s meeting agenda. Although a lag time in the publication of the notice in the newspaper resulted in short notice indeed for those who relied on this published notice, other forms of the notice were available to the public on June 30. Hence, we conclude that the timing of the meeting notice was reasonable and therefore complied with the Act.

With respect to the method of notice, the Act affords public bodies considerable discretion. They may deliver notice to reporters who cover the public body, post a notice at a recognized place near the meeting site, or use “any other reasonable method.” §10-506(c). Because the County Commissioners delivered the notice to the local news media and posted it on two bulletin boards in the County Office Building, they complied with the Act.

Finally, with respect to the content of a notice, the Act requires that it state the date, time, and place of the meeting and an indication whether part or all of the meeting may be closed. §10-506(b). The notice for the July 6 meeting stated the date and time and included the anticipated agenda items. The inclusion of agenda items, we have previously pointed out, is a commendable practice that is not required by the Act. *See* Compliance Board Opinion 99-7 (June 29, 1999), *reprinted in 2 Official Opinions of the Open Meetings Compliance Board* 52. Although the notice did not explicitly state that the Commissioners would meet in their customary meeting room, that fact is implicit, especially since the notice referred to an alternative location for a joint meeting with the Board of Education. In our opinion, the notice substantially complied with the Act’s requirements concerning the content of the notice.

III

Conclusion

In summary, we conclude that the notice provided for the meeting of the County Commissioners of Carroll County on July 6, 2000, was legally sufficient.

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.
Courtney McKeldin
Tyler G. Webb